

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

ALLIED WASTE NORTH AMERICA, INC.,  
and BFI WASTE SERVICES, LLC,

Plaintiff,

vs.

NO. 3:13-cv-254

LEWIS, KING, KRIEG & WALDROP, PC,  
et al.,

Defendants.

VIDEO DEPOSITION OF MARK PICCIRILLO

August 14, 2014

9:05 a.m.

Carlock Copeland & Stair

191 Peachtree Street NE

Suite 3600

Atlanta, Georgia

Jennifer A. Davis, RPR, CRR, CCR-2496

<p>Page 34</p> <p>1 considered it amongst --</p> <p>2 Q. Okay.</p> <p>3 A. -- many other things.</p> <p>4 Q. If that information had been provided to</p> <p>5 you during the course of your involvement in the</p> <p>6 Metro Nashville case, would you have considered --</p> <p>7 did you consider it?</p> <p>8 A. We would have considered it with Allied,</p> <p>9 Michelle Casey, yes.</p> <p>10 Q. Okay. And would that have -- would you</p> <p>11 have considered that as something important in terms</p> <p>12 of making your analysis and evaluation of the case?</p> <p>13 MR. NORTHUP: Object to form and</p> <p>14 foundation.</p> <p>15 A. It would be something we would consider.</p> <p>16 Just another investigative issue in the case that we</p> <p>17 would consider.</p> <p>18 BY MR. LOWE:</p> <p>19 Q. Okay. And the same question with regard</p> <p>20 to plaintiffs' expert witnesses who testified about</p> <p>21 the duty to remove all of the materials, all of the</p> <p>22 trash, and the fact that the trash was not removed.</p> <p>23 Again, would you have considered that information in</p> <p>24 your --</p> <p>25 A. Yes.</p>	<p>Page 35</p> <p>1 Q. -- evaluation?</p> <p>2 MR. LOWE: All right. Let's mark that as</p> <p>3 Exhibit 2.</p> <p>4 (EXHIBIT 2 MARKED)</p> <p>5 BY MR. LOWE:</p> <p>6 Q. You ready, Mr. Piccirillo?</p> <p>7 A. Yes.</p> <p>8 Q. Can you identify the document I've handed</p> <p>9 you?</p> <p>10 A. It's a letter from Michael Geraciotti dated</p> <p>11 January 25th, 2008. It's a cover letter to an</p> <p>12 Agreed-to Litigation Plan report that is dated</p> <p>13 August 27th, 2007.</p> <p>14 Q. Okay. And does that appear that Michele</p> <p>15 Casey was copied on this letter and the litigation</p> <p>16 plan?</p> <p>17 A. Yes. She got all copies of correspondence</p> <p>18 from defense counsel --</p> <p>19 Q. All right.</p> <p>20 A. -- if I recall.</p> <p>21 Q. Now, the date of the report, as you</p> <p>22 indicated, was August 27, 2007. Do you recall that</p> <p>23 that was approximately three years before the trial?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Let's look at some of the</p>	<p>Page 36</p> <p>1 information that's provided in this report. And if</p> <p>2 you could direct your attention to page 2, the very</p> <p>3 last paragraph.</p> <p>4 A. Um-hum. (Affirmative)</p> <p>5 Q. Read into the record that very last</p> <p>6 paragraph, please.</p> <p>7 A. Where it begins on "November 1st"?</p> <p>8 Q. Yes.</p> <p>9 A. (as read) On November 1st, 2005, we took</p> <p>10 all -- an all-day deposition of Chance [sic]</p> <p>11 Anderson. Robert Orr sent a deposition report</p> <p>12 letter to Michele Casey on or about November 4th,</p> <p>13 2005, and a copy was attached to my February 2nd,</p> <p>14 2007, letter -- ATLP. It's difficult to surmise a</p> <p>15 seven-plus hour deposition in a fraction of a</p> <p>16 paragraph. Still, key parts -- key parts of Chance</p> <p>17 Anderson's deposition were that he was personally in</p> <p>18 charge of the tipping floor at Nashville Thermal</p> <p>19 where the fire occurred. Secondly, less than a week</p> <p>20 before the fire, which occurred on May 23rd, 2002,</p> <p>21 David Manning, Metro's Director of Finance, issued</p> <p>22 an edict that all of the excess garbage would be</p> <p>23 removed from the tipping floor at Nashville Thermal</p> <p>24 immediately. Chance Anderson testified that order</p> <p>25 went from him out to BFI and, to my surprise, he</p>	<p>Page 37</p> <p>1 testified that the tipping floor was basically</p> <p>2 cleared up over the weekend. Obviously, with the</p> <p>3 complicity of Chance Anderson, additional garbage</p> <p>4 was brought in and there was a considerable amount</p> <p>5 of garbage on the night of the fire the following</p> <p>6 Thursday.</p> <p>7 Q. All right. So did that provide you and</p> <p>8 Michele Casey with the information that there would</p> <p>9 be testimony in the case that the tipping floor had</p> <p>10 in fact been cleared of garbage several days prior</p> <p>11 to the fire?</p> <p>12 A. That was -- if I recall, that was our</p> <p>13 understanding, yeah.</p> <p>14 Q. All right. And did that lead you to the</p> <p>15 conclusion there would be testimony that BFI and</p> <p>16 Classic Pride, the subcontractor, had the ability to</p> <p>17 clear all the garbage and the waste from the tipping</p> <p>18 floor?</p> <p>19 MR. NORTHUP: Object to form and</p> <p>20 foundation.</p> <p>21 A. Yeah. I don't recall that aspect.</p> <p>22 BY MR. LOWE:</p> <p>23 Q. Okay.</p> <p>24 A. No. But --</p> <p>25 Q. Isn't that a logical conclusion, though,</p>
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## 1 CERTIFICATE

2 STATE OF GEORGIA:  
3 COUNTY OF FULTON:

4 I hereby certify that the foregoing  
5 transcript was taken down, as stated in the caption,  
6 and the colloquies, questions, and answers were  
7 reduced to typewriting under my direction; that the  
8 transcript is a true and correct record of the  
9 evidence given upon said proceeding.

10 I further certify that I am not a relative  
11 or employee or attorney of any party, nor am I  
12 financially interested in the outcome of this  
13 action.

14 I have no relationship of interest in this  
15 matter which would disqualify me from maintaining my  
16 obligation of impartiality in compliance with the  
17 Code of Professional Ethics.

18 I have no direct contract with any party  
19 in this action and my compensation is based solely  
20 on the terms of my agreement with my employer.

21 Nothing in the arrangements made for this  
22 proceeding impacts my absolute commitment to serve  
23 all parties as an impartial officer of the court.

24 This the 20th day of August, 2014.

25 

JENNIFER A. DAVIS, RPR, CRR, CCR-2496